

TRIED IN THE BIG ROAD.

### A CURIOUS COURT SCENE IN ALABAMA.

TWO DOLLARS FINE AND TWO DOLLARS COSTS—  
A LEARNED JUDGE'S METHODS.

The Southerners say: "We are mighty hungry," and many of them have come North to look after clothes. The Alabamians are especially importunate, and there must be hundreds of them in Washington now seeking clerkships and assistant secretarieships. They represent the State in which the following incident occurred, theiator being H. M. Smith, a civil engineer well known in the South and in the North. (No relative of Hoke's)

new York. "I was mining ore in Cherokee County, Ala.," said the driver, "and employed forty wagons to haul the product to the railroad. One of the wagons broke down, and I told the driver (who was also the owner) to go to a carpenter and have it mended. The carpenter, if I remember correctly, was a white man, and I don't think he seems, had his doubts of the man's ability to fix the wagon. He seemed to be a little bit of a nigger. I told him I wasn't paid I would be responsible for it, so he did the work. The next day, the next day he appeared at my place and demanded the money. I said I didn't yet owe it, and asked him if the driver had refused to pay it. He refused to answer my question, but said that I was trying to swindle him. That made my blood boil. He was twice my size. I was a hard hand to bleed off. I should have been a no chance. A nigger was lying on the ground and struck at him with all my up, heaped on him. He ran out of the door, and the blade post grazed his coat tail. He ran fifty yards, and on seeing that I had stopped turned and began to

"Two hours later a long, tall, lanky countryman, one of those one-gallon fellows, with high boots and a corn-stalk hat, came into the office and said he wanted to see me.

"'Well, how'd I do,?' I said. 'Look at me!'

"'Accort me 'trest you,' he said in a throaty voice.

"'Arrest me!' I exclaimed. 'What for?'

"'You tried to kill Miss, and he's swore out a warrant for ye.'

"'But what have you got to do with it if I did?'

"I said, 'Where is your authority?'

"'I've been sworn in special constable for maddin' the rest by Squire Tingo, and I low I'll have to buck you up.'

"'But you have no place to buck me up. Where will you take me?' I said. 'I know that the nearest calaboose was twenty miles away, and didn't want to go there.'

"'I'm blasted if I know, stranger,' he replied.

"'I'll buck you up somewhere. You might

"Well, I argued the matter with that fellow an hour, and finally persuaded him to leave me alone on my promise to be at court as usual. The following morning the court was ready for me and informed me the square was waiting. I asked where the court was to be held and he answered:—

"—Right up the big road hence a bit; 'bout a quarter, or sich."

I went along with him, taking my son, a boy of sixteen, as witness, he having seen the whole trouble. We were in season when we arrived, the Squire squatted down on one side of the road, and about thirty of the yeomen of the country on the other. It was a wide place in the road, with buckwheat bushes on one side, and all around and between the blackberry bushes, half a mile had been selected. The sandpiper was sitting tobacco and whittling sticks, and the Squire, who was at least seventy years old, was wiping his spectacles. I said good morning to everybody, and the special constable squatted down

"You pulled out your knife and began waving it toward him the Squire saw the prisoners all arrived."

"Your officer, sir, replied the constable.

"They had all this very honorable Court to order and we will proceed to the business that is now here before us."

"Squire," said the constable, stopping his walking for a moment, "how does yo do that?"

The Squire informed him, and he repeated a nearly as possible.

"You are such a Jew!" This honorable Court is now come in order to hear what ther is to come before I for the keeping of the law?"

"When I looked into the faces of those men squatting around, my heart sank within me. I was in Cherokee County, Ala. in the year of our Lord 1860 on trial for assault with intent to kill. I had no defence, and no lawyer to make one. Every one was plainly against me."

"The Squire was called on first to make his charge, and if he ever reads this story I want him to see that I give him credit for the straightforward way in which he stated his case. It was more than I had expected. The Squire listened intently, took off his spectacles and wiped them often, and said to have the burden of the world upon him. When he had heard all that Mr. Nix had to say he shook his head and remained silent for several minutes. Then raising himself up on his knees he spoke:

"-It appears to this very honorable Court, Mr. Smith, that Mr. Nix has made out a powerful strong case against the defendant. Now what is the defendant got to say in return of that charge?"

"The yeomanry chowed faster for their excitement and waited faster, and there were nods and nudges of approval from the jury. Then, as they looked toward him, the Squire had a case of the State lying on the table, and he picked it up to see what it had

were guilty of (technically speaking), and what the penalty was. My hair almost stood on end when I read that, if convicted, I might have to pay a fine of \$2,000 and go to jail for five years! Then, however, another thought struck me. If I gave up, I would lose my job. I had no money. I had no family. I had no one to turn to. I decided to stand up for myself. I told the judge that I was innocent. I said that I had never done anything wrong. I said that I was a good person. I said that I was a hard worker. I said that I was a loyal citizen. I said that I was a responsible adult. I said that I was a member of the community. I said that I was a person who cared about others. I said that I was a person who wanted to do the right thing. I said that I was a person who was proud of my country. I said that I was a person who was proud of my religion. I said that I was a person who was proud of my family. I said that I was a person who was proud of myself. I said that I was a person who was proud of everything that I was.

--Squire," I said, "I suppose you will give me the privilege of cross-examining?"

"This honorable Court do extend to Mr. Smith the privilege of asking proper questions of the witness."

"Before my son had said half a dozen words the square stopped him. The old fellow paused and reflected a long time, wiped his glasses, rubbed his eyes, scratched his head and turned about the way with his boots heels till there were big holes in the ground. I saw that there was something serious brewing. Finally he broke the silence.

"'Gentlemen,' he said, 'I beg to inform you that I have read some of the laws and I have heard somewhere that a boy may be 'bowed to go on the stand to testify for his father, and after examinatin' on the part, this yere honorable Court is a goin' to rule that the law is that way. Mr. Smith, this yere Court is a goin' to give you every chance it can, but you have to decide now who one of you air a goin' to stand to testify in your own behalf. You air a goin' to stand or you air a goin' to be to stand alone, or become my own and only witness, as well as my own and only lawyer. I never talked in my life before or since as I talked then. On the line

defence mapped out I perceived that I had made a  
impression, and on that line I worked with might  
and main. I concluded thus:

"—And now if it please the honorable Court, as  
the distinguished gentlemen who attend here today  
I have to say to you, that I am very glad to see  
the country is good. No man can say I have ever  
harmed him. The money I have paid out in van  
has been the main support of 160 families. I was  
to stay right here, and go ahead in the good work  
of making Cherokee County the banner county of the  
State. She has already the best men and the fine  
men in the State, but she needs more money to  
enable these men, who are brave and sensible  
everything, to shine before the whole world. I am  
distributing more money every week in the county  
than I can buy and sell for, and yet, Your Honor,  
I am a scoundrel, I am a villain, I am a swindler,  
and misrepresented because I did just what each  
you brave and noble men would have done under the  
circumstances. I tried to defend myself from  
fellow who had incited me: Would any of you  
gentlemen would you yourself, Your Honor, allow any  
man to step up and call you a swindler? Why, Your  
Honor, I would rather a man would slap my face  
or call me a coward, or thief, or blackguard—any  
name, I care not, so long as I am told of being a coward  
and misrepresented because I did just what each  
of you, and the man who would let another man  
him that is unfit to live in the society of the gentlemen  
of this county of grand old Cherokee. The  
man Mize might just as well have stabbed me in the  
back as to call me swindler! My reputation is  
no greater than my life—as it is with each of you  
honorable gentlemen. And now, your Honor, I am  
noting able to say, I am sure that I am in ju